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EXAMINER
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MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
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2175

16

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

924

# Office Action Summary

Application No.

09/541,326

Applicant(s)

ABBOTT ET AL.

Examiner

DIANE D. MIZRAHI

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/13/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-48, 54-80 and 86-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-48, 54-80 and 86-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**III. Detailed Action**

Claims 9-48, 54-80, and 86-93 are presented for examination.

All previous presented rejections of the claims are hereby withdrawn as to being moot. Please see new office action below.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

*For the clarity of the record, Examiner has separated and rejected the claims below according to error likeness.*

*Claims 10, 16-28, 47, and 62 are rejected under 35*

*U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Regarding Claim 10, Examiner is unclear as to what Applicant means by "proper" (line 1); (For, purposes of examination, Examiner will interpret "proper" as being relating to a subset of a given set.

Regarding Claim 15, Examiner is unclear as to what Applicant means by "distinguished" (lines 4-5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 17, Examiner is unclear as to what Applicant means by "distinguished" (lines 1 and 5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 18, Examiner is unclear as to what Applicant means by "distinguished" (line 3); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 19, Examiner is unclear as to what Applicant means by "distinguished" (lines 5&7); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 21-22, Examiner is unclear as to what Applicant means by "distinguished" (line 4); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 23-24, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&43); (For, purposes

of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 25-26, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claims 27-28, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&3); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 47, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&5); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct;

Regarding Claim 48, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&3); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct; and

Regarding Claim 62, Examiner is unclear as to what Applicant means by "distinguished" (lines 2&7); (For, purposes of examination, Examiner will interpret "distinguished" as being distinct.

Claims 25-26, 37, and 61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 25-26, Examiner is unclear as to what Applicant means by "an importance level" (line 3); What constitutes an importance level? (For, purposes of examination, Examiner will interpret "an importance level" as a level;

Regarding Claim 37, Examiner is unclear as to what Applicant means by "an importance level reflecting the importance". What constitutes and what is "an importance level reflecting the importance" (line 2&3); (For, purposes of examination, Examiner will interpret "an importance level reflecting the importance" as a level;

Regarding Claim 61, Examiner is unclear as to what Applicant means by "importance levels". What constitutes and what is "importance levels" (line 2&3); (For, purposes of examination, Examiner will interpret "importance levels" as a level.

Claims 19-20, 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 19-20, Examiner is unclear as to what Applicant means by "a maximum age at which" (line 2&3); (For, purposes of examination, Examiner will interpret "a maximum age at which" as time; (claim 19, lines 7); and

Regarding Claim 34, Examiner is unclear as to what Applicant means by "a maximum age at which" (line 5); (For, purposes of examination, Examiner will interpret "a maximum age at which" as time; (claim 19, lines 7)).

Claims 33, 41-48, 71, 78-80, and 88-89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 33, Examiner is unclear as to what Applicant means by "it" (line 5); Examiner is unable to interpret the meaning of "it";

Regarding Claims 41-48 and 88-89, Examiner is unclear as to what Applicant means by "its" (Claim 41, line 12); Examiner is unable to interpret the meaning of "its";

Regarding Claim 71, Examiner is unclear as to what Applicant means by "it" (line 12); Examiner is unable to interpret the meaning of "it";

Regarding Claim 71, Examiner is unclear as to what Applicant means by "they" (line 7); Examiner is unable to interpret the meaning of "they"; and

Regarding Claims 78-80, Examiner is unclear as to what Applicant means by "its" (line 12); Examiner is unable to interpret the meaning of "its".

Claims 41-48, 63-77, 78-80, 88-89, 92-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards Claims 41-48 and 88-89, the term "at a frequency approximating the target frequency" (line 8) is a relative term which renders the claim indefinite. The term "at a frequency approximating the target frequency" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In regards to Claim 47, the term "applying a selected abstraction technique" (line 3) is indefinite. Examiner asserts and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of examination, Examiner



will interpret the claimed, "applying a selected abstraction technique" as any technique.

In regards to Claims 63-77 and 92-93, the term "a range of " (Claim 63, line 10) is a relative term which renders the claim indefinite. The term "a range of " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. .

In regards to Claims 78-80, the term "a range of" (Claim, 78, line 10) is a relative term which renders the claim indefinite. The term "a range of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 27-28, 54-62, 64, 69-71, 73-74 and 90-91, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 27-28, Examiner is unclear as to what Applicant means by "may become available at a future time" (line

5); Examiner asserts that "future time" is indefinite and abstract. For purposes of examination, Examiner will interpret "future time" as time;

Regarding Claims 54-62 and 90-91, Examiner is unclear as to what Applicant means by "has the effect of reducing" (Claim 54, line 10); Examiner asserts that "has the effect of reducing" is indefinite and abstract.

Regarding Claim 64, Examiner is unclear as to what Applicant means by "effective times" (line 10); Examiner asserts that "effective times" is indefinite.

Regarding Claims 69-71, Examiner is unclear as to what Applicant means by "that would have been produced" (Claim 69, line 10); Examiner asserts that "effective times" is indefinite and abstract.

Regarding Claim 73, Examiner is unclear as to what Applicant means by "only shortly preceding the present time" (line 10); Examiner asserts that "only shortly preceding the present time" is indefinite and abstract.

Regarding Claim 74, Examiner is unclear as to what Applicant means by "subsequent and proximal" (line 10); Examiner is unclear as to how close the claimed, "subsequent and proximal" occurs. Also, Examiner asserts that "subsequent and proximal" is indefinite and abstract.

Claim Rejections - 35 USC , 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 30-38 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an data structure.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978).

Data Structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Applicant's claims are not within any of

Art Unit: 2175

the statutory classes. Data structures should define structural and functional interrelationships between data structures or functional parts and a computer system which permit the data functions to be realized, and is statutory.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9-48, 54-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Joy P. Bixby et al. (US Patent No. 5,317,568 and Bixby hereinafter).

Regarding Claim 9, Bixby teaches a method in a computing device for specifying context attributes for logging, comprising: displaying a list of context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69); see also (i.e. resources (objects) that must be managed, and the characteristics (attributes) (col 97, lines 55-60) available in the computing device (i.e. personal computers) (col, 9, lines 13-17), receiving user input (i.e. to interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3, lines 1-3) identifying a subset (i.e. objects divided into classes and subclasses) col 57, lines 56-69) of the displayed available context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69); see also (i.e. resources (objects) that must be managed, and the characteristics (attributes) (col 97, lines 55-60) for logging (i.e. Event Logging) (col 66, lines 28-40; and selecting

Art Unit: 2175

the identified context attributes for logging (i.e. Sieve Construct is used for selecting notifications to be reported) (col 66, lines 28-40); see also (i.e. event log for repository for event records, col 66, lines 41-55).

Regarding Claim 10, Bixby 10, teaches wherein a proper, subset of the displayed available context attributes are selected (i.e. event log for repository - (i.e. for example a repository is one that that contains or is a store of something specified for event records,) col 66, lines 41-55).

Regarding Claim 11, Bixby 11 wherein a single displayed available context attributes is selected (i.e. select notifications ... from managed objects ... attribute identifiers) (col 66, lines 28-40).

Regarding Claim 12, Bixby teaches periodically storing values of the selected context attributes (i.e. achieved by the Agent Model processing the object attributes by control flags and filters) (col 56, lines 57-69).

Regarding Claim 13, Bixby teaches receiving user input (i.e. to interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3, lines 1-3)

Art Unit: 2175

identifying, for each of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), a log in which the selected context attribute is to be logged (i.e. Event Log object classes ... Selecting notifications whose data is to be logged) (col 66, lines 24-40).

Regarding Claim 14, Bixby teaches for each of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), periodically storing values of the selected context attribute (i.e. achieved by the Agent Model processing the object attributes by control flags and filters) (col 56, lines 57-69) in the log identified for the selected context attribute (i.e. Event Log object classes) (col 66, lines 28-40).

Regarding Claim 15, Bixby teaches associating with each selected context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) a frequency at which the selected context attribute is to be logged (i.e. by flushing the log) (col 66, lines 41-48) (see also alarm report parameters include threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7).

Regarding Claim 16, Bixby teaches for a distinguished one of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), receiving user input (i.e. to interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3, lines 1-3) specifying the frequency (i.e. by flushing the log) (col 66, lines 41-48) (see also alarm report parameters include threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7) at which the distinguished context attribute is to be logged that is associated with the distinguished context attribute (i.e. achieved by the Alarm Report specifying the event types ) (col 66, lines 64-69 to col 67, lines 39).

Regarding Claim 17, Bixby teaches selecting one of the sources from which to obtain the distinguished context attribute that is to be logged (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45).

Regarding Claim 18, Bixby teaches receiving user input specifying (i.e. to interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional



customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3, lines 1-3) the source from which to obtain the distinguished context attribute that is to be logged (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45).

Regarding Claim 19, Bixby teaches values for context attributes may be cached, (i.e. buffer is a cache memory) (Table 14.4) and wherein each cached context attribute value has an age (i.e. specified TIME -FRAME) (col 18, lines 21-32), the method further comprising determining for a distinguished one of the selected context attributes (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45); see also (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) a maximum age (i.e. specified TIME -FRAME) (col 18, lines 21-32), at which cached values (i.e. buffer is a cache memory) (Table 14.4) of the distinguished context attribute may be logged (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45).

Regarding Claim 20, Bixby teaches wherein the determined maximum age (i.e. specified TIME -FRAME) (col 18, lines 21-32) is based upon user input (col 18, lines exception notification ... before user defined timeout ...)(col 18, lines 45-46).

Regarding Claim 21, Bixby teaches determining for a distinguished one of the selected context attributes a processing technique to which the distinguished (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45) context attribute is to be subjected before (i.e. filter) (col 56, lines 57-69) logging (i.e. by flushing the log) (col 66, lines 41-48).

Regarding Claim 22, Bixby teaches wherein the determined processing technique is based upon user input (i.e. an origin end user transfers the distribution) (col 3, lines 33-41).

Regarding Claim 23, Bixby teaches determining for a distinguished one of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), a processing technique to which the logged (i.e. Event log) (col 66, lines 33) distinguished context attribute is to be subjected at a time subsequent to logging (i.e. by filtering) (col 56, lines 57-69) see also (i.e. by flushing the

Art Unit: 2175

log) (col 66, lines 41-48) see also (time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 24, Bixby teaches wherein the determined processing technique is based upon user input (i.e. an origin end user transfers the distribution) (col 3, lines 33-41).

Regarding Claim 25, Bixby teaches determining for a distinguished one of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) an importance level (i.e. subclass of event record object) (col 65, lines 41) reflecting the importance of retaining the logged (col 65, lines 40- 45) distinguished context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information).

Regarding Claim 26, Bixby teaches wherein the determined importance level is based upon user input (i.e. objects and attributes must be managed into classes and subclasses) (col 57, lines 55-60).

Regarding claim 27, Bixby teaches identifying for a distinguished one of the selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) an alternative

Art Unit: 2175

source from which the distinguished context attribute (i.e. Event record or add value record or attribute change record) (col 57, lines 56-69) may become available at a future time (i.e. attribute change record or remove value record event log) (col 57, lines 56-69).

Regarding Claim 28, Bixby teaches wherein the identified alternative source (i.e. Event record or add value record or attribute change record) (col 57, lines 56-69) is based upon user input (i.e. an origin end user transfers the distribution) (col 3, lines 33-41).

Regarding Claim 29, Bixby teaches a computer-readable medium whose contents cause a computing device to specify context data items for logging by (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33) displaying a list of available data items (Table 14.2) (col 89, lines 1-15), receiving user input (i.e. objects and attributes must be managed into classes and subclasses) (col 57, lines 55-60) identifying a subset of the displayed available data items for logging (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45); and selecting the identified data items for logging (i.e. to

interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3; lines 1-3).

Regarding Claim 30, Bixby teaches one or more computer memories that collectively contain a context attribute logging configuration data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) specifying how context attributes are to be logged (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33), comprising entries each corresponding to a context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) and indicating that the context attribute should be logged (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33), such that the data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data

string and delivered to the destination) (col 15, lines 15-17) may be used to identify context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) for logging (i.e. Event log) (col 66, lines 33).

Regarding Claim 31, Bixby teaches wherein each entry of the data structure is a record (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17).

Regarding Claim 32, Bixby teaches wherein each entry of the data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) further specifies a frequency at which the context attribute to which (i.e. by flushing the log) (col 66, lines 41-48) (see also alarm report parameters include threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7) the entry corresponds is to be logged (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33).

Regarding Claim 33, Bixby teaches wherein one or more selected entries of the data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) which corresponds to a context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) that may be available from more than one source (i.e. Event record or add value record or attribute change record) (col 57, lines 56-69) further specifies a particular source from which to obtain the context attribute to which it corresponds (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17).

Regarding Claim 34, Bixby teaches wherein values for context attributes may be cached (i.e. buffer is a cache memory) (Table 14.4), and wherein each cached (i.e. buffer is a cache memory) (Table 14.4) context attribute value has an age (i.e. time) (col 56, lines 57-69) (i.e. specified TIME -FRAME) (col 18, lines 21-32), and wherein each of one or more selected entries of the data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the

origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) specifies a maximum age (i.e. specified TIME -FRAME) (col 18, lines 21-32), at which cached values of the context attribute to which the entry corresponds may be logged (i.e. buffer is a cache memory) (Table 14.4).

Regarding Claim 35, Bixby teaches wherein each of one or more selected entries of the data structure specifies a processing technique to which the corresponding (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) context attribute is to be subjected before logging (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 36, Bixby teaches wherein each of one or more selected entries of the data structure specifies a processing technique (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) to which the corresponding context attribute (i.e. attributes include relationships,



values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33) is to be subjected at a time subsequent to logging (i.e. by filtering) (col 56, lines 57-69) see also (i.e. by flushing the log) (col 66, lines 41-48) see also (time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 37, Bixby teaches wherein each of one or more selected entries of the data structure specifies an importance level reflecting the importance of retaining information (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45); produced by logging the corresponding context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33).

Regarding Claim 38, Bixby teaches wherein each of one or more selected entries of the data structure (i.e. mapped or unmapped data structures. Data identified as unmapped is assembled at the origin point into a single contiguous data string and delivered to the destination) (col 15, lines 15-17) Specifies an alternative source from which the corresponding context attribute may become available at a future time (i.e.

time) (col 56, lines 57-69) see also (i.e. specified TIME - FRAME) (col 18, lines 21-32).

Regarding Claim 39, Bixby displaying a list of groups of context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33) available in the computing device (Figure 1), receiving user input (i.e. to interact with the SEND, RECEIVE and STATUS primitives. The primitives offer parameters for functional customization of the individual communications managers dependent upon the user needs,) (col 2, lines 61-69 to col 3, lines 1-3) identifying a subset of the displayed groups (i.e. subclass of event record object... instances of these event record subclasses contained in the event log object) (col 65, lines 40-45); of available context attributes for logging (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33); and selecting the context attributes of the identified groups for logging (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), (i.e. Event log) (col 66, lines 33).

Regarding Claim 40, Bixby teaches wherein one of the displayed groups of available context attributes contains context attributes relating to travel (i.e. to go from one place to another for example wide area network) (Figure 1).

Regarding Claim 41, Bixby teaches a method in a computing device for logging context attributes, comprising for each of a set of selected context attributes (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), determining a target frequency (i.e. by flushing the log) (col 66, lines 41-48) (see also alarm report parameters include threshold, problems) (col 66, lines 64-69 to col 67, lines 1-7) with which values of the selected context attribute (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) are to be logged (i.e. Event log) (col 66, lines 33) for each of the set (i.e. subclass of event record object) (col 65, lines 41) (see also col 65, lines 40-45) of selected context attributes, obtaining values of the selected context attribute at a frequency approximating the target frequency (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) determined for the selected context attribute (i.e. attributes include relationships,

values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69); and for each obtained context attribute value (i.e. attributes include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), writing (i.e. e.g., the writing of received ) (col 56, line 9) the obtained value to a storage device in a manner that identifies its context attribute (i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 42, Bixby teaches wherein the obtained values are written to a storage device in the computing device (i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 43, Bixby teaches wherein the obtained values are written to a storage device external to the computing device (i.e. the writing of received) (col 56, lines 6-9).

Regarding Claim 44, Bixby teaches wherein values obtained in a plurality of computing devices are written to the storage device external to the computing device (i.e. e.g., the writing of received) (col 56, lines 6-9).

Regarding Claim 45, Bixby teaches wherein the method utilizes characterization module process operational commands issued from a management console to manage and control the CM and its environment; and 4) process remote "Privileged" EU requests. Privileged EU functions include, for example,

Art Unit: 2175

Configuration/Name, Accounting, Fault, Performance, Alert/Notification and Security management, and wherein, for each of the selected context attributes, a context server module (i.e. table server application) (col 14, lines 7) is registered (i.e. process operational commands issued from a management console to manage and control the CM and its environment; and 4) process remote "Privileged" EU requests. Privileged EU functions include, for example, Configuration/Name, Accounting, Fault, Performance, Alert/Notification and Security management) (col 14, lines 4-15) with the characterization module (i.e. CM and its environment; and 4) process remote "Privileged" EU requests. Privileged EU functions include, for example, configuration /Name, Accounting, Fault, Performance, Alert/Notification and Security management) (col 14, lines 4-15) to provide the selected context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), and wherein the obtaining a value of a selected context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), involves requesting (i.e. the writing of received) (col 56, lines 6-9), by the characterization module (i.e. CM and its environment; and 4)

process remote "Privileged" EU requests. Privileged EU functions include, for example, Configuration/Name, Accounting, Fault, Performance, Alert/Notification and Security management) (col 14, lines 4-15), a value (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) of the selected (i.e. applications may use to request services) (col 17, lines 31-39) context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) from the context server module (i.e. table server application) (col 14, lines 7) registered to provide the selected context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 46, Bixby teaches for values (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) of a distinguished one of the selected context attributes, applying a selected summarization (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41) technique (i.e. the LU 6.2 verbs and parameters such as shown in Table 14.4 ) (col 94, lines 3-6) to adapt the values of the distinguished (i.e.

Art Unit: 2175

commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) context attribute before storing them (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) .

Regarding Claim 47, Bixby teaches for values of a distinguished (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) one of the selected context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), applying a selected abstraction technique (i.e. the communication manager performs services requested by the end-users) (col 53, lines 35-45 to adapt the values of the distinguished (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) context attribute before storing them (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 48, Bixby teaches values of a distinguished one of the (i.e. commands and parameter values which Privileged

End User applications may use to request services) (col 17, lines 31-39) selected context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), applying a selected compression technique to (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41) adapt the values of the distinguished (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) context attribute before storing them (i.e. by flushing the log) (col 66, lines 41-48).

Regarding Claim 54, Bixby teaches a method in a computing device for maintaining a log of context attributes, comprising: accessing (i.e. performs services request by the end-users) (col 53, lines 35-45) the log (i.e. event log for repository - (i.e. for example a repository is one that that contains or is a store of something specified for event records,) (col 66, lines 41-55) of context attributes, which contains values for each of a (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) plurality of context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69),



and applying to values of a selected one of the plurality of (i.e. commands and parameter values which Privileged End User applications may use to request services) (col 17, lines 31-39) context attributes contained by the log a maintenance technique (i.e. the communication manager performs services request by the end-users) (col 53, lines 35-45) that has the effect of reducing the amount of storage space occupied by the log (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41).

Regarding Claim 55, Bixby teaches wherein the applied maintenance technique (i.e. the communication manager performs services request by the end-users such as performance measurements .... etc) (col 53, lines 35-45) is a compression technique (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41).

Regarding Claim 56, Bixby teaches wherein the applied maintenance technique is a summarization technique (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41) see also (i.e. accounting statistical collection and management) (col 53, lines 35-49).

Regarding Claim 57, Bixby teaches wherein the applied maintenance technique is a thinning technique (i.e. by reducing a class into a subclass of event record object) (col 65, lines

41) that discards a portion of the values of the selected context attribute while retaining others (i.e. by flushing the log) (col 66, lines 41-48).

Regarding Claim 58, Bixby teaches wherein the applied maintenance technique (i.e. the communication manager performs services request by the end-users) (col 53, lines 35-45) discards (i.e. abort, delete or cancel-get) (col 54, lines 7-12) all values (i.e. abort, delete or cancel-get) (col 54, lines 7-12) of the selected context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 59, Bixby teaches wherein the applied maintenance technique is an information abstraction technique (i.e. the communication manager performs services request by the end-users) (col 53, lines 35-45).

Regarding Claim 60, Bixby teaches wherein the applied maintenance technique is an archiving technique (i.e. event reporting sieve distributes the event data received to an event log or some other application (col 66, lines 21-27) see also (i.e. event log for repository - i.e. for example a repository is one that that contains or is a store of something specified for event records,) col 66, lines 41-55) that removes values

of the selected context attribute from the log and stores them outside the log (i.e. log configured with a sieve construct... to be taken by the log when it is full) (col 66, lines 41-54)) (I .e. mini-computer stores information by vendor proprietary to personal computer) (Figure 1, #108, 124).

Regarding Claim 61, Bixby teaches wherein an importance level (i.e. subclass of event record object) (col 65, lines 41) is specified for each of the context attributes whose values (i.e. log configured with a sieve construct... to be taken by the log when it is full) (col 66, lines 41-54) are contained by the log (col 65, lines 40- 45), the method further comprising: comparing the importance levels specified for the context attributes (i.e. how these managed objects fit into a system of managed objects and how they correlate) (col 56, lines 46-55), and selecting a context attribute to which to apply a maintenance technique based upon the results of the comparison (i.e. achieved by the Director) (col 41-55).

Regarding Claim 62, Bixby teaches determining that values (i.e. log configured with a sieve construct... to be taken by the log when it is full) (col 66, lines 41-54) for a distinguished one of the context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69),

Art Unit: 2175

whose values (i.e. log configured with a sieve construct... to be taken by the log when it is full)(col 66, lines 41-54) are contained by the log are available from an independent source (i.e. the CM accepts a DU from a EU, segments it as necessary)(col 11, lines 30-33); and based upon the determination)(col 11, lines 30-33); selecting the distinguished context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), to which to apply a maintenance technique (i.e. the communication manager performs services request by the end-users such as performance measurements ... etc) (col 53, lines 35-45).

Regarding Claim 63, Bixby teaches a method in a computing device for retroactively analyzing a log of context attribute values, each context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), value (i.e. log configured with a sieve construct... to be taken by the log when it is full)(col 66, lines 41-54) contained by the log being stored with an indication of a corresponding data item and an indexing value, the method comprising: receiving a specification for analyzing values among the stored values (i.e. configuration of vendor specific hardware and software ) (Figure

2) , the specification specifying one or more (i.e. configuration of vendor specific hardware and software ) (Figure 2) context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), a range of indexing values (i.e. log configured with a sieve construct... to be taken by the log when it is full)(col 66, lines 41-54), and an analysis technique (i.e. local repository for event driven statistical data recorded for CM management functions (i.e., "performance" management, "accounting" management). Col 35, lines 50-56), retrieving stored values for the specified context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), within the specified range of indexing values (i.e. log configured with a sieve construct... to be taken by the log when it is full)(col 66, lines 41-54); and applying the specified analysis technique (i.e. local repository for event driven statistical data recorded for CM management functions (i.e., "performance" management, "accounting" management). Col 35, lines 50-56) to the retrieved values to produce an analysis of the context attributes (i.e. from any of the attributes which include

relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 64, Bixby teaches wherein the indexing values (i.e. log configured with a sieve construct...) (col 66, lines 41-54) are effective times (i.e. a time, entries, descriptive information) (col 56, lines 57-69) associated with the data items (i.e. time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 65, Bixby teaches wherein a first portion of the retrieved values were produced by a first attribute value-producing computing device (Figure 1, #101,108,124, 113,114,116) and a second portion of the retrieved values that is distinct from the first portion of the retrieved values were produced by a second attribute value-producing computing device (Figure 1, #101,108,124, 113,114,116) (i.e. from the local repository for event driven statistical data) (Col 35, lines 50-56) see also (col 11, lines 31-32).

Regarding Claim 66, Bixby teaches wherein the specified analysis technique is a summarization technique (i.e. by reducing a class into a subclass of event record object) (col 65, lines 41) technique (i.e. the LU 6.2 verbs and parameters such as shown in Table 14.4) (col 94, lines 3-6).

Regarding Claim 67, Bixby teaches wherein the specification specifies two or more context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), and specifies an analysis technique that involve (i.e. local repository for event driven statistical data recorded for CM management functions (i.e., "performance" management, "accounting" management). Col 35, lines 50-56) combining (i.e. coalesced) (col 10, lines 65-66) values (i.e. by the state such as the active, unlocked state and its own state is enabled, unlocked. The Sign-On process is established using the M-Initiate command, which is sent to its adjacent Communications Managers. This command must be used in the Confirmed mode to ensure that its partner Communications Manager is present. Any negotiable parameters between the partners are carried in the user information portion of the command. If all negotiable parameters have been agreed upon, the operational state is changed to active and normal communications can flow (col 64, lines 48-63) of the specified context attributes (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69).

Regarding Claim 68, Bixby teaches wherein application of the specified analysis technique *produces a new context attribute value* (i.e. envelopes the segmented data by converting it) (col 11, lines 31-32).

Regarding Claim 69, Bixby teaches wherein a rule (i.e. the director provides for decision making) (col 55, line 49) (see also i.e. by the Architecture Logic) (Table 14.1) (col 86, lines 19-60) designed for analyzing context attribute values in real-time (i.e. QUERY specifies LIMITED Assurance with optional EXCEPTION NOTIFICATION and that the Distribution is an original request. The SOURCE-EU expects a REPLY from the DESTINATION-EU (or from another EU if the QUERY requires RELAY) within the specified Time -FRAME. If a REPLY is not received within the specified Time -FRAME the SOURCE-EU will receive a timeout notification from the local Communications Manager. The specific time frames are implementation dependent) (col 18, lines 20-29) to produce a result is available in the computing device (i.e. will receive a timeout notification) (col 18, lines 20-29), and wherein the specified analysis technique includes determining a result that would have been produced if the rule had been applied (i.e. prior to T-2 threshold being reached ... due to being in a T-1 depletion state... if the requesting CM has been identified...) (col 32, lines 58-64) to analyze the specified



context attribute values at the time they were generated (i.e. event driven) (col 35, line 54); see also (col 32, lines 58-64).

Regarding Claim 70, Bixby teaches wherein the available rule (i.e. is achieved by the Architecture Logic) (Table 14.1) (col 86, lines 19-60) is obtained from a second, distinct computing device in which the available rule has already been adopted (Figure 1, #101,108,124, 113,114,116).

Regarding Claim 71, Bixby teaches adopting the rule for future real-time application if it is determined that a (col 86, lines 19-60) successful result (i.e. based on the internal timer value and retry counts) (col 18, lines 45-50) would have been produced (col 18, lines 45-50) if the rule (i.e. is achieved by the Architecture Logic) (Table 14.1) (col 86, lines 19-60) had been applied to analyze the (i.e. repository for event driven statistical data ..."performance" management, "accounting" management). Col 35, lines 50-56) specified context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69) values at the time they were generated (i.e. is achieved by the Architecture Logic) (Table 14.1) (col 86, lines 19-60).

Regarding Claim 72, Bixby teaches wherein the specified analysis technique identifies (i.e. how these managed objects fit into a system of managed objects and how they correlate) (col 56, lines 46-55) a recurring pattern in the retrieved context attribute values (i.e. RETURN is a variable containing the identification of the End User to receive the requested delivery notification or reply. The RETURN IDENTIFICATION is assumed to be the same as the SOURCE IDENTIFICATION unless this variable specifies otherwise. RETURN is a required parameter with a distribution TYPE of RELAY-QUERY) (col 19, lines 49-55) see also (i.e. renegotiation of the relationship .. time a pipe connection is established) (col 69, lines 64-66).

Regarding Claim 73, Bixby teaches determining that the most recent pattern recurrence (i.e. RETURN is a variable containing the identification of the End User to receive the requested delivery notification or reply. The RETURN IDENTIFICATION is assumed to be the same as the SOURCE IDENTIFICATION unless this variable specifies otherwise. RETURN is a required parameter with a distribution TYPE of RELAY-QUERY) (col 19, lines 49-55) is identified in context attribute values having effective times only shortly preceding the present time (i.e. prior (col 37, lines 60-65) determining that the retrieved context values (col

Art Unit: 2175

37, lines 48-50) include context values reflecting an action taken by a user (i.e. objects and attributes must be managed into classes and subclasses) (col 57, lines 55-60) subsequent (col 52, lines 51-69), and proximal to at least one earlier occurrence of the pattern (i.e. return) (col 52, lines 51-69), and based upon both determination, making preparations in anticipation of repetition of the action by the user (i.e. None Full Yes Send Returns until nothing, delivered log error or according exceeds to local retry system count convention No Excep- Limit- Yes Send Return ... once exception No Excep- Full Yes Send Return ... until exception delivered or exceeds retry count No COD Limit-) (col 52, lines 51-69) .

Regarding Claim 74 and 78, this claim is similar in scope to the rejected claims 63-73 above and is therefore rejected as set forth above.

Regarding Claim 75, Bixby teaches wherein the specified analysis technique identifies in the retrieved context attribute (i.e. from any of the attributes which include relationships, values, status, filters, tables, time, entries, descriptive information) (col 56, lines 57-69), values (i.e. envelopes the segmented data by converting it) (col 11, lines 31-32) a pattern specified outside the log (i.e. None Full Yes Send Returns until nothing, delivered log error or according

Art Unit: 2175

exceeds to local retry system count convention No Excep-Limit-  
Yes Send Return ... once exception No Excep-Full Yes Send Return  
... until exception delivered or exceeds retry count No COD Limit)  
(col 52, lines 51-69) .

**Claim Rejections - 35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which  
forms the basis for all obviousness rejections set forth in this  
Office action:

(a) A patent may not be obtained though the invention is  
not identically disclosed or described as set forth in section  
102 of this title, if the differences between the subject matter  
sought to be patented and the prior art are such that the  
subject matter as a whole would have been obvious at the time  
the invention was made to a person having ordinary skill in the  
art to which said subject matter pertains. Patentability shall  
not be negatived by the manner in which the invention was made.

Claims 76-80, and 86-93 are rejected under 35 U.S.C. 103(a)  
as being unpatentable over Joy P. Bixby et al. (US Patent No.  
5,317,568 and Bixby hereinafter) in view Jae A. Evans (US Patent  
No. 5,924,074 and Evans hereinafter).

The teachings of Bixby have been discussed above.

Regarding Claim As to claim 76, Bixby does not expressly  
teach the claimed, "diagnosis of user condition".

Evans teaches the claimed, "diagnosis of user condition" (i.e. medication data capture 148 communicates with the patient data capture ... obtain a diagnosis and alternative treatments for various conditions) (col 7, lines 40-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "diagnosis of user condition" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 77, Bixby does not teach the claimed, "medical diagnosis".

Evans teaches the claimed, "medical diagnosis" (i.e. medication data capture 148 communicates with the patient data capture ... obtain a diagnosis and alternative treatments for various conditions) (col 7, lines 40-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "medical diagnosis" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits

instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 79, Bixby does not teach the claimed, "wherein the computing device is a mobile computer system".

Evans teaches the claimed, "wherein the computing device is a mobile computer system" (i.e. wireless pen-based personal computer) (col 2, lines 45-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "wherein the computing device is a mobile computer system" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time

collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 80, Bixby does not teach the claimed, "wherein the computing device is a wearable computer system" .

Evans teaches the claimed, "wherein the computing device is a wearable computer system" (i.e. wireless pen-based computer) (col 2, lines 45-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "wherein the computing device is a wearable computer system" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other



providers use the same record allowing for real-time collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 86, Bixby does not teach the claimed, "wherein the computing device in which the method is performed is a mobile computer system".

Evans teaches the claimed, "wherein the computing device in which the method is performed is a mobile computer system" (i.e. wireless pen-based computer) (col 2, lines 45-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "wherein the computing device in which the method is performed is a mobile computer system" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other

providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 87, Bixby does not teach the claimed, "wherein the computing device in which the method is performed is a body-supported computer system".

Evans teaches the claimed, "wherein the computing device in which the method is performed is a body-supported computer system" (i.e. wireless pen-based computer) (col 2, lines 45-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "wherein the computing device in which the method is performed is a body-supported computer system"" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners, to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient

data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claim 88, Bixby does not teach the claimed, "wherein the computing device in which the method is performed is a mobile computer system".

Evans teaches the claimed, "wherein the computing device in which the method is performed is a mobile computer system" (i.e. wireless pen-based computer) (col 2, lines 45-64).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Bixby with the teachings of Evans to include the claimed, "wherein the computing device in which the method is performed is a mobile computer system" with the motivation to enable authorized healthcare providers to access and update patient files using wireless pen-based personal computers; and to enable complete replacement of physical records, permitting healthcare providers, such as physicians or nurse practitioners,

to electronically annotate patient data. Thus, a healthcare provider can acknowledge reviewing patient data, provide instructions, such as prescriptions for medication to administer to a patient, and approve recommendations for treatment by other providers, all by electronically annotating a patient's record. In addition, authorized healthcare providers can access a record while other providers use the same record allowing for real-time collaboration. The availability of electronic data permits instant, sophisticated analysis of patient data (Evans, col 2, lines 45-64).

Regarding Claims 89-93, these claims are identical to the rejected claims above 76-88. They are therefore rejected as set forth above.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be

reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.

  
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